

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARTHA ZEPEDA OLIVARES, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:23-cv-01575 JLT SAB

**ORDER GRANTING UNOPPOSED
MOTIONS FOR LEAVE TO FILE
AMENDED COMPLAINTS**

**ORDER VACATING JULY 30, 2025
HEARING**

(ECF Nos. 57, 59, 60, 61)

FIVE DAY DEADLINE

MARIA SOSA, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

On June 23, 2025, Plaintiffs Maria Sosa, L.S., and M.S. (“Sosa Plaintiffs”) filed a motion for leave to file a second amended complaint in this consolidated action. (ECF No. 57.)

On June 23, 2025, Plaintiffs Martha Zepeda Olivares and Maximiliano Sosa, Sr. (“Olivares Plaintiffs”) filed a joinder in the Sosa Plaintiffs’ motion for leave to file an amended complaint. (ECF No. 59.) On June 24, 2025, the Olivares Plaintiffs lodged a proposed third amended complaint. (ECF No. 60.)

On June 26, 2025, Defendants filed a statement of non-opposition to both the Sosa Plaintiffs’ motion to amend their complaint (ECF No. 57) and the Olivares Plaintiffs’ joinder (ECF Nos. 59, 60).

(ECF No. 61.) Accordingly, the Court finds this matter suitable for decision without oral argument, and shall vacate the July 30, 2024, hearing. L.R. 230(g).

Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend shall be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2). “In the absence of . . . undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.—the leave sought should . . . be ‘freely given.’” Foman v. Davis, 371 U.S. 178, 182 (1962), quoting Fed. R. Civ. P. 15(a). In other words, “[a]bsent prejudice, or a strong showing of any of the remaining Foman factors, there exists a presumption under Rule 15(a) in favor of granting leave to amend.” Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1052 (9th Cir. 2003).

Here, the Court finds that granting leave to amend to both the Sosa Plaintiffs and the Olivares Plaintiffs implicates none of the Forman factors. Indeed, Defendants have filed a non-opposition, which demonstrates that they will not be prejudiced by the granting of the motion and joinder.

Accordingly, it is HEREBY ORDERED that:

1. The hearing set for July 30, 2025 is VACATED;
2. The Sosa Plaintiffs’ motion for leave to file a second amended complaint (ECF No. 57) is GRANTED;
3. The Olivares’ joinder motion for leave to file a third amended complaint (ECF Nos. 59, 60) is GRANTED; and
4. The Sosa and Olivares Plaintiffs shall file their amended complaints within **five (5) days** of the entry of this order.

IT IS SO ORDERED.

Dated: **June 26, 2025**



STANLEY A. BOONE
United States Magistrate Judge